

**United States Department of Labor  
Employees' Compensation Appeals Board**

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**A.S., Appellant**

**and**

**U.S. POSTAL SERVICE, BAKERSFIELD POST  
OFFICE, Bakersfield, CA, Employer**

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**Docket No. 22-0255  
Issued: December 28, 2021**

*Appearances:*  
*Appellant, pro se*  
*Office of Solicitor, for the Director*

*Case Submitted on the Record*

**ORDER DISMISSING APPEAL**

Before:

ALEC J. KOROMILAS, Chief Judge

JANICE B. ASKIN, Judge

VALERIE D. EVANS-HARRELL, Alternate Judge

On December 1, 2021 appellant filed an appeal from a January 8, 2021 nonmerit decision of the Office of Workers' Compensation Programs (OWCP). The Clerk of the Appellate Boards assigned Docket No. 22-0255.

The Board has duly considered the matter and notes that it has jurisdiction to review final adverse decisions of OWCP issued under the Federal Employees' Compensation Act.<sup>1</sup> For final adverse decisions of OWCP issued on or after November 19, 2008, the Board's review authority is limited to appeals which are filed within 180 days from the date of issuance of OWCP's decision.<sup>2</sup>

The 180<sup>th</sup> day following the January 8, 2021 decision was July 7, 2021. As appellant did not file an appeal with the Board until December 1, 2021, more than 180 days after the January 8, 2021 OWCP decision, the Board finds that the appeal docketed as No. 22-0255 is untimely filed. The Board is without jurisdiction to review the appeal. Appellant has not offered a reason to

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<sup>1</sup> 5 U.S.C. § 8149; 20 C.F.R. §§ 501.2(c) and 501.3(a) (2009).

<sup>2</sup> *Id.* at § 501.3(e).

explain the failure to timely file an appeal with supporting documentation sufficient to establish compelling circumstances.

The Board's decisions and orders are "final upon the expiration of 30 days from the date of their issuance."<sup>3</sup>

**IT IS HEREBY ORDERED THAT** the appeal docketed as No. 22-0255 is dismissed.

Issued: December 28, 2021  
Washington, DC

Alec J. Koromilas, Chief Judge  
Employees' Compensation Appeals Board

Janice B. Askin, Judge  
Employees' Compensation Appeals Board

Valerie D. Evans-Harrell, Alternate Judge  
Employees' Compensation Appeals Board

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<sup>3</sup> *Id.* at § 501.6(d).